

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-20 are currently pending. Claims 1, 6, 11 and 16 are independent and hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, specifically at pages 9-10. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-20 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,668,597 to Parulski et al. (hereafter merely "Parulski") in view of U.S. Patent No. 6,686,962 to Miyahara (hereinafter, merely "Miyahara").

Claim 1 recites, *inter alia*:

"An image photographing apparatus...

a pulse counter circuit for receiving instructions from said control means indicating a quantity of rows that are read using a high speed clock and setting a value in response to the quantity of rows,

wherein when the quantity of rows equals a predetermined value of counted rows, output signals are

generated to control a switching unit which switches from the high speed clock to a normal vertical clock.” (emphasis added)

As understood by Applicant, Parulski relates to an apparatus for automatically focusing an image upon a progressive scan image sensor based upon signals from a partial area of the sensor. A camera apparatus is adjusted to a position where focusing the camera lens is integrated for a period of time. During this time period, a top portion of the image is rapidly read out and discarded using “fast flush” clocking where the vertical and horizontal registers are continuously clocked and a fast dump gate remains high. A vertical clock sequence is set to a line skipping operating while the small number of remaining lines are clocked out.

As understood by Applicant, Miyahara relates to an imaging apparatus that reads out an electrical charge from a part of its plurality of photoelectrical conversion elements, which convert input light into electrical charges. Each of the plurality of photoelectrical conversion elements is divided into a plurality of fixed patterns that repeated with respect to the detected colors in the vertical direction. The electric charges are drained off within a prescribed area set by boundaries, and the electrical charges that were stored in photoelectric conversion elements within the prescribed area are read out a plurality of times during one field period.

It is respectfully submitted that Parulski and Miyahara, taken alone or in combination, fail to teach the above-recited features of independent claim 1. Specifically, Applicant submits that there is no teaching or suggestion an image photographing apparatus comprising a pulse counter circuit for receiving instructions from said control means indicating a quantity of rows that are read using a high speed clock and setting a value in response to the quantity of rows, wherein when the quantity of rows equals a predetermined value of counted rows, output signals are generated to control a switching unit which switches from the high speed clock to a normal vertical clock, as recited in claim 1.

Specifically, on page 6, the Office Action states, “[h]owever, Parulski et al. do not specifically disclose reading a quantity of rows using a high-speed clock, determining when said quantity of rows have been read, and when said quantity of rows have been read switching the high-speed clock to a normal vertical clock.” Applicant respectfully disagrees with the assertion that Miyahara provides the disclosure missing from Parulski.

Page 3 of the Office Action cites column 4, line 61 - column 5, line 4 of Miyahara, which recites, “...when the high-speed imaging mode is selected, the effective image area 12 is divide into a high-speed transmission area 17 and a normal transmission area 18 by changing with respect to the circuit thereof, by means of TG (not shown in the drawing) that is provided in the controller 9, the way how to read electric charges in the solid-state imaging section 11...the effective imaging area 12 in this embodiment has two virtual boundaries B1 and B2 formed in it by making a change in the method of reading out the electrical charges from the photoelectric conversion elements...”.

Applicant submits that dividing an effective image area into a high-speed transmission area and a normal transmission area when a high speed imaging mode is selected by changing how to read electric charges in the solid-state imaging section, where the effective imaging section has two boundaries for changing methods of reading out electrical charges is completely different from **receiving instructions indicating a quantity of rows that are read using a high speed clock and setting a value in response to the quantity of rows, wherein when the quantity of rows equals a predetermined value of counted rows, output signals are generated to control a switching unit which switches from the high speed clock to a normal vertical clock.**

Furthermore, pages 6-7 of the Office Action cite column 6, lines 1-20 of Miyahara, which recites “[t]he positions of the boundary line B1 and B2 so as to establish the amount of time required for a multiple readout in the normal transmission area during one field period, thereby adjusting the size of the high-speed transmission areas...boundary lines B1 and B2 can be established at arbitrary positions, as long as the positions are at the boundaries of unit patterns...positions of the boundary lines B1 and B2 can be left up to the user, or performed automatically by the apparatus, in accordance with the imaging mode, by detecting or calculating the amount of processing time required for normal imaging and for high-speed imaging.”

Page 4 of the Office Action further states, “...Miyahara at least provides instructions pertaining to a quality of rows, wherein the ‘quantity of rows’ essentially refers to the timing/exposure control...”. Applicant respectfully disagrees with this assertion.

Applicant submits that the positions of the boundary lines B1 and B2 being left up to the user, or performed automatically by the apparatus, in accordance with the imaging mode, by detecting or calculating the amount of processing time required for normal imaging and for high-speed imaging is completely different from switching from the high speed clock to a normal vertical clock based on output signals which indicates a quantity of rows that are read and thus setting a value in view of the quantity of rows.

Therefore, Applicant submits that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6, 11 and 16 are also believed to be patentable.

Therefore, Applicant submits that independent claims 1, 6, 11 and 16 are patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION


In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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